

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5-26-09</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
BURAK DENIZCILIK VE TAS. TIC.
LTD. STI,

Plaintiff, :
: **CONDITIONAL**
- against - : **ORDER OF DISCONTINUANCE**

DESCATRADE SA, :

Defendant. :
----- X

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated May 26, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity

of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court scheduled in this action are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
26 May 2009



VICTOR MARRERO
U.S.D.J.

EATON & VAN WINKLE LLP

WEST PALM BEACH, FLORIDA OFFICE
TELEPHONE: (561) 748-7740
FAX: (561) 744-8754

3 PARK AVENUE
NEW YORK, NEW YORK 10016

TELEPHONE (212) 779-9910
FAX: (212) 779-9928

Edward W. Floyd

Direct Dial: 212-561-3614
Email: efloyd@evw.com

May 26, 2009

VIA FACSIMILE (212) 805-6382

The Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

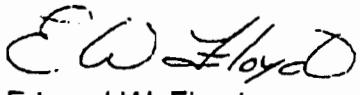
Re: **Burak Denizcilik Ve Tas. Tic. Ltd. Sti. v. Descatrade SA**
08 Civ. 9233 (VM)

Dear Judge Marrero:

In accordance with the court's schedule, we submit herein a status report concerning the above captioned matter. Please be advised that it is our understanding that the underlying dispute is now settled. Therefore, we intend to promptly file a Rule 41(a) Notice of Discontinuance.

We thank the court for its courtesies.

Respectfully submitted,


Edward W. Floyd